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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 BANK OF AMERICA, N.A.,

Case No. 2:16-cv-00438-MMD-VCF

10 Plaintiff,

ORDER

11 v.

12 INSPIRADA COMMUNITY ASSOCIATION;
13 SATICOY BAY, LLC SERIES 2080
ARTISTIC FLAIR WALK; LEACH,
JOHNSON, SONG & GRUCHOW,

14 Defendants.
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16 This Court previously granted Defendant Leach, Johnson, Song & Gruchow's
17 ("LJSG")'s motion and dismissed LJSG. (ECF No. 56.) Before the Court is LJSG's motion
18 for attorney's fees ("Motion"). (ECF No. 60.) The Court has reviewed Plaintiff Bank of
19 America, N.A.'s ("BANA") response (ECF No. 63) and LJSG's reply (ECF No. 64). For the
20 reasons discussed below, the Court grants LJSG's Motion to Dismiss and denies LJSG's
21 Motion for Sanctions.

22 The relevant background is recited in the Court's dismissal order. (ECF No. 56.)
23 As pertinent here, BANA asserts three claims against LJSG: (1) quiet title/declaratory
24 judgment; (2) breach of NRS § 116.1113; and (3) wrongful foreclosure. (ECF No. 1 at 6-
25 13.) In addressing dismissal of LJSG, the Court considered LJSG's arguments in the
26 context of BANA's claims for breach of NRS § 116.1113 and wrongful foreclosure claims
27 because of the absence of allegations LJSG has expressed an interest in the Property.
28 (ECF No. 56 at 5.)

1 LJSG seeks fees under NRS § 116.3116. (ECF No. 60.) BANA responds that this
2 provision of the statute only governs fees to the prevailing party in an action brought by
3 the HOA to foreclose on its lien. (ECF No. 63 at 2.) The Court agrees with BANA. Section
4 116.3116(12) provides that “A judgment or decree in any action brought under this section
5 must include costs and reasonable attorney’s fees for the prevailing party.” This provision
6 compels fees only in “any action brought under this section,” referring to NRS §
7 116.3116’s provisions allowing for the HOA to foreclose on its lien. BANA’s claims against
8 LJSG here do not fall within the type of action contemplated in section 116.3116.

9 It is therefore ordered that LJSG’s motion for attorney’s fees (ECF No. 60) is
10 denied.

11 DATED THIS 16th day of February 2018.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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